

REMARKS

Reconsideration of this application, as amended, is respectfully requested. The claims are being amended for clarity and to correct informalities. Support for the amendment may be found, at least, at page 9, line 19 through page 11, line 2. Accordingly, no new matter is being added.

In the Office Action mailed February 3, 2009, all pending claims, claims 1-3, 5, 7-11, 22, 24-31, 39, and 41-45, were rejected under 35 USC 103(a) as being unpatentable over Shuen (U.S. Patent No: 5,572,528, hereinafter “*Shuen*”) in view of Mattaway et al. (U.S. Patent No: 6,226,678, hereinafter “*Mattaway*”).

Shuen discloses an internetwork of wireless and hard-wired local area networks that may also include wide area network links between routers. Certain routers, configured as home routers, bind two addresses for each mobile node on a given network when that node logs-in with a home router. The mobile nodes log-in with a home router that assigns a virtual address that does not change throughout a session. Whenever a mobile node roams to another network across a router boundary, the virtual address remains the same and all packets directed to the mobile node are received by the home router which advertises that it can reach the mobile node. As the mobile node roams, it reports back to the home router a local address to which the home router forwards all packets directed originally by correspondent nodes to the virtual address. *Shuen*, abstract, emphasis added.

Each independent claim, claims 1, 16, 18, 29, 33, and 35, as previously presented, recites the feature of transmitting a packet from a first process to a second process without passing through an administrative machine. According to the Office Action (page 4, second paragraph, citing *Shuen* col. 23, lines 36-47), *Shuen's* mobile host 320 and home router 340 read on

Applicants' claimed "first process" and "administrative machine", respectively. Whether or not this is so, as admitted by the Office Action (page 6), *Shuen* fails to teach or suggest transmitting a packet from a first process to a second process through without passing through the administrative machine. Indeed, *Shuen*, expressly teaches *away* from the foregoing feature, by explaining that "all packets directed to the mobile node are received by the home router". *Shuen*, abstract. See also *Shuen* at col 17. lines 6-10:

"The home router 340 binds the virtual address 360 to the local address 370. Thereafter, the header 398 on any packet 400 (message) directed to the mobile host 320, upon arriving at the home router 340, is reconfigured so that the packet 400 (for example, the IPX header 412) is re-addressed by the home router 340 to the local address 370.

The Office Action (page 6) attempts to cure this deficiency by asserting that *Mattaway* discloses a first processing unit establishing direct communication links to a second processing unit without interacting or going through any server. Whether or not this assertion accurately reflects *Mattaway*'s disclosure, a combination of such disclosure with *Shuen* is improper. The combination is improper because the resulting combination would be inoperable inasmuch as *Shuen* requires that packets directed to a mobile host be processed through the home router. "If references taken in combination would produce a 'seemingly inoperative device,' ...such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness." *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1354 (Fed. Cir. 2001), citing *In re Spinnoble*, 56 C.C.P.A. 823, 405 F.2d 578, 587, 160 U.S.P.Q. (BNA) 237, 244 (CCPA 1969). Thus, the office action fails to establish a prima facie case of obviousness with respect to independent claims 1, 16, 18, 29, 33, and 35.

As a result, independent claims 1, 16, 18, 29, 33, and 35, and their respective dependent claims 2, 3, 5, 7-11, 13-15, 17-20, 22, 24-28, 30, 31, 34, 36, 37, 39, and 41-45 are patentable over the combination of *Shuen* and *Mattaway*.

In view of the foregoing, it is submitted that claims 1-3, 5, 7-11, 22, 24-31, 39, and 41-45 are allowable and that the application is in condition for allowance. Early notice to that effect is respectfully requested.

If the Examiner believes that, for any reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below, for purposes of arranging for a telephonic interview. Any communication initiated by this paragraph should be deemed an Applicant-Initiated Interview.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

	Respectfully submitted, SONNENSCHNEIN NATH & ROSENTHAL LLP
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